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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,420	04/23/2001	Takeo Morinaga	450100-03174	4477
20999	7590	10/19/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,420

Applicant(s)

MORINAGA ET AL.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/18/05, response to restriction.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,11,12 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,7,13 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-6,8-10,14-16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Election/Restrictions

1. Applicant's election without traverse of Group II, claims 3-10 and 13-20 in the reply filed on 7/18/05, is acknowledged.

Claim Objections

1. Claims 5-6, 9-10, 15-16 and 19-20 are objected to because of the following informalities:

Claim 5, recites on line 3, "the dummy reference time";

Claim 5, recites on line 4, "the time ratio";

Claim 6, recites on line 3, "the dummy reference time";

Claim 6, recites on line 4, "the time ratio";

Claim 9, recites on lines 3-4, "the dummy reference time";

Claim 9, recites on line 4, "the time ratio";

Claim 10, recites on line 3-4, "the dummy reference time";

Claim 10, recites on line 4, "the time ratio";

Claim 15, recites on lines 3-4, "the dummy reference time";

Claim 15, recites on line 4, "the time ratio";

Claim 16, recites on line 3-4, "the dummy reference time";

Claim 16, recites on line 4, "the time ratio";

Claim 19, recites on lines 3-4, "the dummy reference time";

Claim 19, recites on line 4, "the time ratio";

Claim 20, recites on line 3-4, "the dummy reference time";

Claim 20, recites on line 4, "the time ratio", all claims introduce a new limitation in the past tense, all occurrences are deemed require amending to "a dummy reference time" and "a time ratio", to show clear antecedent basis in the claims.

Claim 6 also is objected to again, for having a period at line 8, which the examiner deems requires amending to remove the period.

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The examiner respectfully requests applicant to review all claims for similar occurrences and amend accordingly.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3, 7, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohishi et al. (US 6,011,899).

Regarding claims 3, 7, 13 and 17 Ohishi in Fig. 1, discloses and meets the limitations associated with an information terminal, a digital broadcast receiver and an associated method comprising:

- means for or step for, detecting time from the received (Fig. 1, time stamp extractor 2);
- converting (4, 5, 6), the detected (2) and recording (record time stamp @ 3 thru 9, processor to storage, represented by rotary Drum 10, col. 10, line 45 to col. 11, line 22-), and using upon reproduction the added time data (reproduction apparatus, Fig. 9, time stamp removal circuit "69", col. 17, lines 33-40-, etc....., also reference Figs. 6 A-E, etc.....).

Allowable Subject Matter

2. Claims 4-6, 8-10, 14-16 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and including amending based on the objections set forth above of claims 5-6, 9-10, 15-16 and 19-20.

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The prior art of record discloses detecting, converting and storing a converted time, based on an input PCR, but, the prior art fails to teach, disclose, suggest claim 4, which recites

- wherein the time information includes dummy reference time information, indicative of {a reference time during output} and time ratio information, indicative of a time ratio, of a real time to a transfer time,
- and wherein the converting means calculates,
 - o **output time information**, from the dummy reference time and the time ratio information.

Claims 8, 14 and 18 recite substantially the same and are allowable for the same reasons.

The prior art of record discloses detecting, converting and storing a converted time, based on an input PCR, but, the prior art fails to teach, disclose, suggest claim 5, which recites

- wherein the converting means latches an arrival time of a dummy packet including a dummy reference time information;
- and a time ratio information and multiplies a difference between the arrival time of the latched dummy packet and an arrival time of an input packet by the time ratio information and
- calculates, **output time information**, from the dummy reference time and the time ratio information.

Claims 9, 15 and 19, recite substantially the same and are allowable for the same reasons.

The prior art of record discloses detecting, converting and storing a converted time, based on an input PCR, but, the prior art fails to teach, disclose, suggest claim 6, which recites

- wherein the converting means latches an arrival time of a dummy packet including a dummy reference time information and a time ratio information and multiplies a difference between the arrival time of the latched dummy packet and an arrival time of an input packet by the time ratio information,
 - o thereby calculating output time information of the packet and acquires continuous dummy packets and calibrates the output time information of the packet

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based on a difference in the dummy reference time information included in the continuous dummy packets. Claims 10, 16 and 20, recite substantially the same and are allowable for the same reasons.

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
10/17/05


VINCENT BOCCIO
PRIMARY EXAMINER